

1                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
2   **IN MEDICINE AND SURGERY**

3  
4   IN THE MATTER OF:

5   **DAVID IZENBERG, D.O.**  
6   Holder of License No. 2253

7   For the practice of osteopathic medicine in  
8   the State of Arizona.

Case No. DO-17-0148A

**MODIFICATION TO ORDER FOR  
SUSPENSION OF LICENSE  
(STAYED) AND RESTRICTION OF  
PRACTICE**

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10           On March 27, 2018 the Board issued an Order for Suspension of License (Stayed)  
11 and Restriction of Practice ("Board Order"), incorporated herein by reference.

12           On August 11, 2018, the Board held an Investigative Hearing to address the results  
13 of the physician practice assessment ordered in Case No. DO-18-0133A. Respondent  
14 appeared and was represented by counsel.

15  
16           After hearing testimony from the Respondent and considering the documents and  
17 evidence submitted, the Board voted to modify the Board Order as follows:

18           Pursuant to the authority vested in the Board,

19           1.   **IT IS HEREBY ORDERED** vacating the stayed suspension of  
20 Respondent's license;

21  
22           2.   **IT IS FURTHER ORDERED** that the practice restriction prohibiting  
23 Respondent from prescribing Schedule 2, 3, and 4 medications and providing or issuing a  
24 written certification for medical marijuana as defined in A.R.S. § 36-2801(18) is lifted;  
25  
26

1           3.     **IT IS FURTHER ORDERED** that Respondent's license number 2253 is  
2 placed on **PROBATION** for a minimum period of five (5) years from the effective date  
3 of this Order. The period of probation shall run concurrently with the probation ordered  
4 in Case No. DO-16-0133A. The effective date of this Order is thirty-five (35) days from  
5 the date this Order is signed by the Board's Executive Director. At the conclusion of five  
6 years, Respondent must petition the Board for termination of his probation and release  
7 from all terms and conditions of the probation. If the Board determines that Respondent  
8 has not complied with **all** the requirements of this Order the Board, in its sole discretion,  
9 may either: (a) continue the probation or (b) institute proceedings for noncompliance  
10 with this Order, which may result in suspension, revocation, or other disciplinary and/or  
11 remedial action.  
12

14           4.     **IT IS FURTHER ORDERED** that during the period of probation, on a  
15 weekly basis, Respondent shall submit to the Board's Medical Consultant a report from  
16 the Controlled Substances Prescription Monitoring Program ("CSPMP") showing all  
17 prescriptions for controlled substances issued by Respondent and filled by patients.  
18 Respondent shall submit the CSPMP report in a secure digital format to ensure that the  
19 confidentiality of the information is maintained.  
20

21           5.     **IT IS FURTHER ORDERED** that for the first six months of the  
22 probationary period, Respondent shall engage the services of a Board-approved practice  
23 monitor who will review Respondent's patient charts to determine if Respondent's  
24 prescribing practices and recordkeeping are within the standard of care. Respondent shall  
25  
26

1 ensure that the practice monitor submits reports to the Board on a monthly basis, with the  
2 first report due on or before December 15, 2018.

3         6.     **IT IS FURTHER ORDERED** that following the expiration of the sixth  
4 month period during which the practice monitor is required, Respondent shall cooperate  
5 with Board staff and provide records for chart reviews during the remainder of the period  
6 of probation. Chart reviews shall be conducted at a frequency determined by the Board's  
7 Executive Director and Medical Consultant.

8  
9         7.     **IT IS FURTHER ORDERED** that during the period of probation,  
10 Respondent shall notify the Board's Executive Director, in writing, of all patients to  
11 whom he provides or issues a written certification for medical marijuana as defined in  
12 A.R.S. §36-2801 (18).

13  
14         8.     **IT IS FURTHER ORDERED** that within sixty days of the effective date  
15 of this Order, Respondent shall complete ten hours of continuing medical education in the  
16 area of recordkeeping. Within fourteen days of completing the continuing education,  
17 Respondent shall provide the Board's Executive Director with the certificate(s) of  
18 completion.

19  
20         9.     **Costs:** Respondent shall bear all costs incurred regarding compliance with  
21 this Order.

22         10.    **Obey All Laws:** Respondent shall obey all federal, state and local laws,  
23 and all rules governing the practice of medicine in the State of Arizona.

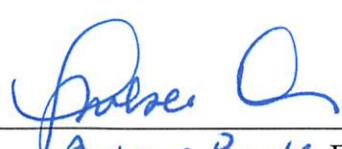
24  
25         11.    **Ceasing Practice in the State of Arizona:** In the event that Respondent  
26 ceases to practice medicine in the State of Arizona, by moving out of state, failing to

1 renew his license, or maintaining an Arizona license but ceasing to practice clinical  
2 medicine or administrative medicine requiring licensure, Respondent shall notify the  
3 Board that he has ceased practicing in Arizona, in writing, within 10 days of ceasing to  
4 practice. In its sole discretion, the Board may stay the terms of this Order until such time  
5 as the Respondent resumes the practice of medicine in Arizona, or may take other action  
6 to resolve the findings of fact and conclusions of law contained in this Order.  
7

8 12. **Failure to Comply/Violation:** Respondent's failure to comply with the  
9 requirements of this Order shall constitute an allegation of unprofessional conduct as  
10 defined at A.R.S. § 32-1854(25) and proven violations may be grounds for further  
11 disciplinary action (e.g., suspension or revocation of license).  
12

13  
14 ISSUED THIS 23rd DAY OF October, 2018.  
15 ARIZONA BOARD OF OSTEOPATHIC  
16 EXAMINERS IN MEDICINE AND SURGERY

17 seal

18 By:   
19 Amber Brade, Executive Director  
20

21 **NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

22 Respondent may request a rehearing or review of this matter pursuant to A.R.S. §  
23 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of  
24 Osteopathic Examiners within thirty (30) days. If a party files a motion for review or  
25 rehearing, that motion must be based on at least one of the eight grounds for review or  
26

1 rehearing that are allowed under A.A.C. R4-22-108(D). Failure to file a motion for  
2 rehearing or review within 30 days has the effect of prohibiting judicial review of the  
3 Board's decision. Service of this order is effective five (5) days after date of mailing.  
4 A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's  
5 Order becomes effective thirty-five (35) days after it is mailed to Respondent.  
6  
7

8 Original "Modification to Order for Suspension of License (Stayed) and Restriction of  
9 Practice" filed this 23rd day of October, 2018 with:

10 Arizona Board of Osteopathic Examiners  
11 In Medicine and Surgery  
12 1740 W. Adams, Ste. 2410  
13 Phoenix AZ 85007

14 Copy of the "Modification to Order for Suspension of License (Stayed) and Restriction of  
15 Practice" sent by certified mail, return receipt requested,  
16 this 23rd day of October, 2018 to:

17 Stephen Myers  
18 Mitchell Stein Carey & Chapman, P.C.  
19 One Renaissance Square  
20 2 North Central Avenue, Suite 1450  
21 Phoenix, AZ 85004  
22 Attorneys for Respondent

23 Copy of this "Modification to Order for Suspension of License (Stayed) and Restriction  
24 of Practice " filed/sent this 23rd day of October, 2018 to:

25 Jeanne Galvin, AAG  
26 Office of the Attorney General SGD/LES  
2005 N. Central Ave.  
Phoenix AZ 85004

By: 40

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
**IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No.: DO-17-0148A
	)	
DAVID IZENBERG, D.O.	)	ORDER FOR SUSPENSION OF LICENSE
Holder of License No. 2253	)	(STAYED) AND RESTRICTION OF PRACTICE
	)	
For the practice of osteopathic medicine in	)	
the State of Arizona	)	

On June 5, 2017, the Arizona Board of Osteopathic Examiners ("Board"), received a complaint against David Izenberg D.O. (herein after "Respondent"), filed by the father of patient N.P. On November 18, 2017, Dr. Izenberg appeared before the Board for an Investigative Hearing and was represented by counsel, Mr. Steve Myers.

After hearing testimony from Respondent, the complainant, various witnesses and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact, Conclusions of Law and Order for Suspension.

**JURISDICTIONAL STATEMENTS**

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 2253 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

**FINDINGS OF FACT**

3. On October 1, 2008, N.P., a 25 year old male was first seen by Respondent. A handwritten progress note did not include a physical exam. It noted the patient had bipolar

1 disorder, had lost a brother to suicide, and takes Xanax "per psych back east." The rest of the  
2 note was not legible. Respondent prescribed Xanax 2mg #50.

3 4. The next office visit was on September 18, 2014, and the patient was now 31  
4 years old. He listed his current medications as Xanax 2mg, oxycodone 10mg and Adderall  
5 30mg. The patient admitted he had been self-medicating with alcohol for his insomnia but  
6 usually took Xanax. He complained of anxiety, ADD, back pain, bipolar disorder and insomnia.  
7 No examination of the patient's back was noted. Respondent prescribed Xanax 2mg #120,  
8 Adderall 30mg #60 and oxycodone 10mg #90. Respondent advised he would obtain N.P.'s  
9 previous medical records from Colorado.

10 5. N.P. returned for office visits with prescription refills on October 15, 2014,  
11 January 19, 2015, and March 18, 2015. The prescriptions were refilled on November 19, 2014,  
12 December 18, 2014, and February 17, 2015.

13 6. On April 9, 2015, Respondent saw N.P. and noted N.P.'s brother reported N.P.  
14 was supplementing with alcohol for his back pain. Respondent increased the oxycodone  
15 prescription to 15mg, #150, and continued the Xanax and Adderall.

16 7. The medications were refilled on May 13, 2015. On June 11, 2015, N.P. returned  
17 to Respondent and the medications were refilled. On July 9, 2015, N.P. called for early refills.  
18 During an office visit on August 5, 2015, the progress notes indicate that N.P. noted his back  
19 was really bothering him as he had run out of pain medication because he "knocked his bottle  
20 over a week ago." A UDS completed that day was inconsistent in that it was positive for Xanax  
21 but negative for oxycodone or Adderall. It was positive for alcohol and THC. The medications  
22 were refilled.

23 8. On September 9, 2015, the patient's brother called asking when the scripts  
24 would be ready. Dr. Goldberg took the call and noted he would not write for Xanax for over 3  
25 days and would need an MRI and x-rays for the oxycodone. Xrays of the lumbar spine were

1 done on September 9, 2015. The medications were refilled. An MRI was completed on October  
2 2, 2015.

3 9. On October 6, 2015, the medications were refilled. On October 7, 2015, N.P. saw  
4 Respondent and the test results were reviewed. A disc extrusion was noted at L4-5. The  
5 patient was not interested in surgical intervention so they would try an inversion table.

6 10. The patient's medications were refilled on November 4 and December 2, 2015.

7 11. The patient returned on January 7, 2016 and Respondent noted the CSPMP was  
8 fine. The medications were refilled.

9 12. The medications were refilled on February 3, March 2, and March 24, 2016. On  
10 March 15, 2016, Respondent completed a disability form for N.P.

11 13. On July 20, 2016, N.P. noted his mood swings were worse. Respondent  
12 prescribed Seroquel XR 50mg. N.P. was to increase the dosage from 100mg and then 150mg  
13 and return in three months. On August 10, 2016, the patient returned and reported he was on  
14 Seroquel XR 150mg.

15 14. A CSPMP report of June 26, 2017 indicates the last prescriptions from  
16 Respondent were filled on September 16, 2016. N. P was found in his apartment unresponsive  
17 and dead by Chandler Police on January 16, 2017.

18 15. Respondent failed to treat this patient for pain in accordance with the community  
19 standard of care. Respondent failed to complete a physical exam of the patient, did not require  
20 drug screenings at proper intervals, did not document regular pharmacy audits, nor require  
21 diagnostic testing.

22 16. A UDS was run once for N.P. and the findings were inconsistent with the  
23 medications being prescribed. This was not discussed with the patient, or if it was, it was not  
24 documented in the medical record.



17. Diagnostic testing was lacking, there was no controlled substance agreement, and there were indications of possible diversion that were not addressed with N.P. Opioids and benzodiazepines were prescribed without an appropriate diagnosis.

## CONCLUSIONS OF LAW

18. The conduct and circumstances described above, constitute a violation of A.R.S. §32-1854 (6), engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

19. The conduct and circumstances described above, constitute a violation of A.R.S. §32-1854 (21) Failing or refusing to establish and maintain adequate records on a patient as follows:

(a) If the patient is an adult, for at least six years after the last date the licensee provided the patient with medical or health care services.

(b) If the patient is a child, either for at least three years after the child's eighteenth birthday or for at least six years after the last date the licensee provided that patient with medical or health care services, whichever date occurs later.

20. The conduct and circumstances described above, constitute a violation of A.R.S. §32-1854 (36), Prescribing or dispensing controlled substances or prescription-only medications without establishing and maintaining adequate patient records.

21. The conduct and circumstances described above, constitute a violation of A.R.S. §32-1854 (38), Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

1           22.     The conduct and circumstances described above, constitute a violation of A.R.S.  
2 §32-1854 (48), Prescribing, dispensing or furnishing a prescription medication or a  
3 prescription-only device to a person if the licensee has not conducted a physical or mental  
4 health status examination of that person or has not previously established a physician-patient  
5 relationship.  
6

7                                   **ORDER**

8           Pursuant to the authority vested in the Board,

9           **IT IS HEREBY ORDERED** that David Izenberg, D.O, holder of osteopathic medical License  
10 number 2253 is placed on SUSPENSION (Stayed) for a period of twelve (12) months from the  
11 effective date of the Order. The suspension will be reconsidered pending the results of the  
12 evaluation and compliance with any recommendations in case no. Do-16-0133A..

13           **IT IS HEREBY FURTHER ORDERED** that David Izenberg, D.O., holder of osteopathic  
14 medical License number 2253 shall comply with the following terms:

15           1.     Respondent's practice is restricted in that beginning the effective date of this  
16 order Respondent is restricted from prescribing or dispensing Class 2, 3, or 4 controlled  
17 substances (including Suboxone and Subutex). Respondent is also prohibited from providing or  
18 issuing a written certification for medical marijuana as defined in A.R.S. §36-2801 (18) until  
19 further order of the Board.

20           2.     The Board re-affirms its decision in Case No. DO-16-0133A, a Consent  
21 Agreement, in which Respondent agreed to undergo a physician practice assessment by the  
22 Physician Assessment and Clinical Education Program ("PACE"), at the University of San Diego  
23 (619-543-6770/www.paceprogram.ucsd.edu) or a practice assessment through The Center For  
24 Personalized Education for Physicians ("CPEP") in Denver, Colorado (303-577-3232 or  
25 [www.cpepdoc.org](http://www.cpepdoc.org)), or an equivalent program that has been pre-approved by the Board's  
Executive Director, unless otherwise ordered by the Board. The evaluation shall be completed

1 pursuant to the terms of the order in Case No. DO-16-0133A. Respondent shall ensure that the  
2 results from the practice assessment are sent to the Board.

3 3. Further, Respondent is required to comply with all recommendations made  
4 pursuant to the assessment and failure to do so is a violation of the Order issued in Case. No.  
5 Do-16-0133 and may result in the lifting of the stay in Case No. DO-17-0148A.

6 4. **Costs:** Respondent shall bear all costs incurred regarding compliance with this  
7 Order.

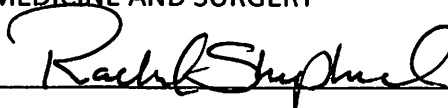
8 5. **Obey All Laws:** Respondent shall obey all federal, state and local laws, and all  
9 rules governing the practice of medicine in the State of Arizona.

10 6. **Ceasing Practice in the State of Arizona:** In the event that Respondent ceases  
11 to practice medicine in the State of Arizona, by moving out of state, failing to renew his license,  
12 or maintaining an Arizona license but ceasing to practice clinical medicine or administrative  
13 medicine requiring licensure, Respondent shall notify the Board that he has ceased practicing in  
14 Arizona, in writing, within 10 days of ceasing to practice. In its sole discretion, the Board may  
15 stay the terms of this Order until such time as the Respondent resumes the practice of  
16 medicine in Arizona, or may take other action to resolve the findings of fact and conclusions of  
17 law contained in this Consent Agreement and Order for Probation.

18 7. **Failure to Comply / Violation:** Respondent's failure to comply with the  
19 requirements of this Order shall constitute an allegation of unprofessional conduct as defined  
20 at A.R.S. § 32-1854(25) and proven violations may be grounds for further disciplinary action  
21 (e.g., suspension or revocation of license), including the lifting of the stayed suspension.

22  
23 ISSUED THIS 27<sup>th</sup> DAY OF MARCH, 2018.  
24 ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
25 IN MEDICINE AND SURGERY

Seal By:



Rachel Shepherd, Interim Executive Director

1  
2 **NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING**

3 Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-  
4 1092.09. The motion for rehearing or review must be filed with the Arizona Board of  
5 Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing,  
6 that motion must be based on at least one of the eight grounds for review or rehearing that are  
7 allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30  
8 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is  
9 effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or  
10 review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to  
11 Respondent.  
12

13 Original "Order for Suspension of License (Stayed) and Restriction of Practice"  
14 filed this 27<sup>th</sup> day of March, 2018 with:

15 Arizona Board of Osteopathic Examiners  
16 In Medicine and Surgery  
17 1740 W. Adams St. Ste 2410  
18 Phoenix AZ 85007

18 Copy of the "Order for Suspension of License (Stayed) and Restriction of Practice" sent by  
19 regular US Mail and email this 27<sup>th</sup> day of March, 2018 to:

20 Steve Myers, D.O.  
21 One Renaissance Square  
22 2 North Central Avenue, Suite 1450  
23 Phoenix, AZ 85004

23 Copies of this "" Order for Suspension of License (Stayed) and Restriction of Practice" sent this  
24 27<sup>th</sup> day of March, 2018 to:  
25

1 David Izenberg, D.O.  
2 5252 E. Main St.  
3 Mesa, AZ 85205

4 AND

5 Jeanne Galvin, AAG  
6 Office of the Attorney General SGD/LES  
7 15 South 15<sup>th</sup> Ave.  
8 Phoenix AZ 85007

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